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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



THOMAS D. WATKINS, JR.
SUPERINTENDENT OF
PUBLIC INSTRUCTION

MEMORANDUM

TO: State Board of Education

FROM: Thomas D. Watkins, Jr.

DATE: July 24, 2002

SUBJECT: Approval of the Criteria for Title I Supplemental Service Providers

Title I, Part A of the No Child Left Behind Act of 2001 requires each state educational agency to establish a statewide Approved Supplemental Services Provider list for availability to local school districts and public school academies that have one or more Title I schools in the second year of school improvement, or corrective action or restructuring. These local school districts and public school academies must arrange for supplemental educational services to eligible students attending identified schools from a provider with a demonstrated record of effectiveness. The provider is selected by the parents of eligible students from the state approved list, in cooperation with the school district of residence.

Michigan Department of Education staff members attended the U.S. Department of Education's Supplemental Education Services Conference in June and received a model application form including selection criteria, to assist in preparing a state application. On June 20, 2002, the model application form and information on supplemental services was shared with the State Title I Committee of Practitioners. Staff has prepared proposed criteria for Supplemental Educational Service Providers based on the model application and recommendations from the Title I Committee of Practitioners. The criteria contain all of the Title I, Part A requirements for supplemental service providers, as well as the Title I Committee of Practitioners' recommendation that instruction for supplemental services be provided by individuals who meet the federal requirements for staff working in a Title I program.

The criteria will be used to select Supplemental Educational Service Providers for a state approved list. The initial list will be made available to local school districts, public school academies and parents for the 2002-2003 school year and will be updated at least annually.

It is recommended that the State Board of Education approve the criteria for Title I Supplemental Service Providers as described in Attachment A of the Superintendent's memorandum dated July 24, 2002.

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**MICHIGAN
STATE BOARD OF EDUCATION**

Criteria for Title I Supplemental Service Providers

The State Board of Education has adopted as its Strategic Goal "Attain substantial and meaningful improvement in academic achievement for all students, with primary emphasis on chronically underperforming schools." In addition, the State Board has adopted the following five Strategic Initiatives to implement the goal:

- Ensuring Excellent Educators
- Elevating Educational Leadership
- Embracing the Information Age
- Ensuring Early Childhood Literacy
- Integrating Communities and Schools

To the extent possible, all grant criteria and grant awards will include priority consideration of the Strategic Goal and the Strategic Initiatives.

BACKGROUND/PURPOSE OF GRANT

☐ Competitive ☐ Formula ☒ New – not a grant ☐ Continuation (*check all that apply*)

These criteria are not for a grant program. They are criteria for state approval of supplemental service providers as required by Title I of the No Child Left Behind Act of 2001. Under the new legislation, school districts must offer eligible students who attend Title I schools that have been identified for improvement for two or more years the opportunity to obtain supplemental instructional services from a provider approved by the state educational agency.

LEGISLATION

Attached

RATIONALE FOR CRITERIA

The criteria reflect the requirements in the federal legislation. They also reflect recommendations by the Title I Committee of Practitioners that supplemental service providers meet the Title I requirements for instructional staff and the state criminal history check requirements.

CRITERIA

☒ Defined in Legislation ☐ Defined in Department's Grant ☐ Proposed by Staff

(List the criteria the MDE and Superintendent will use to determine which school/eligible applicant receives the funds.)

- See Attachment A

ELIGIBLE APPLICANTS/TARGET POPULATION TO BE SERVED BY GRANT

Low-achieving, low-income students in Title I schools identified for improvement for two or more years.

TOTAL FUNDS AVAILABLE N/A

OFFICE ADMINISTERING GRANT/PROGRAM CONTACT Field Services, Linda Brown 373-3921

take place not later than 45 days following the decision to implement corrective action.

“(E) NOTICE TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, information on any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

“(F) DELAY.—Notwithstanding subparagraph (B)(ii), a State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action under this paragraph if the local educational agency makes adequate yearly progress for 1 year or its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

“(11) SPECIAL RULE.—If a local educational agency makes adequate yearly progress for 2 consecutive school years beginning after the date of identification of the agency under paragraph (3), the State educational agency need no longer subject the local educational agency to corrective action for the succeeding school year.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

“(e) SUPPLEMENTAL EDUCATIONAL SERVICES.—

“(1) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of any school described in paragraph (5), (7), or

(8) of subsection (b), the local educational agency serving such school shall, subject to this subsection, arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness, that is selected by the parents and approved for that purpose by the State educational agency in accordance with reasonable criteria, consistent with paragraph (5), that the State educational agency shall adopt.

“(2) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency subject to this subsection shall—

“(A) provide, at a minimum, annual notice to parents (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand) of-

“(i) the availability of services under this subsection;

“(ii) the identity of approved providers of those services that are within the local educational agency or whose services are reasonably available in neighboring local educational agencies; and

“(iii) a brief description of the services, qualifications, and demonstrated effectiveness of each such provider;

“(B) if requested, assist parents in choosing a provider from the list of approved providers maintained by the State;

“(C) apply fair and equitable procedures for serving students if the number of spaces at approved providers is not sufficient to serve all students; and

“(D) not disclose to the public the identity of any student who is eligible for, or receiving, supplemental educational services under this subsection without the written permission of the parents of the student.

2 “(3) AGREEMENT.—In the case of the selection of an
3 approved provider by a parent, the local educational agency
4 shall enter into an agreement with such provider. Such
5 agreement shall-

6 “(A) require the local educational agency to de-
7 velop, in consultation with parents (and the provider
8 chosen by the parents), a statement of specific achieve-
9 ment goals for the student, how the student’s progress
10 will be measured, and a timetable for improving
11 achievement that, in the case of a student with disabil-
12 ities, is consistent with the student’s individualized edu-
13 cation program under section 614(d) of the Individuals
14 with Disabilities Education Act;

15 “(B) describe how the student’s parents and the
16 student’s teacher or teachers will be regularly informed
17 of the student’s progress;

18 “(C) provide for the termination of such agree-
19 ment if the provider is unable to meet such goals and
20 timetables;

21 “(D) contain provisions with respect to the making
22 of payments to the provider by the local educational
23 agency; and

24 “(E) prohibit the provider from disclosing to the
25 public the identity of any student eligible for, or receiv-
26 ing, supplemental educational services under this sub-
27 section without the written permission of the parents of
28 such student.

29 “(4) STATE EDUCATIONAL AGENCY RESPONSIBIL-
30 ITIES.—A State educational agency shall-

31 “(A) in consultation with local educational agen-
32 cies, parents, teachers, and other interested members of
33 the public, promote maximum participation by pro-
34 viders to ensure, to the extent practicable, that parents
35 have as many choices as possible;

36 “(B) develop and apply objective criteria, con-
 sistent with paragraph (5), to potential providers that

1 are based on a demonstrated record of effectiveness in
2 increasing the academic proficiency of students in sub-
3 jects relevant to meeting the State academic content
4 and student achievement standards adopted under sec-
tion 1111(b)(1);

6 “(C) maintain an updated list of approved pro-
7 viders across the State, by school district, from which
8 parents may select;

9 “(D) develop, implement, and publicly report on
10 standards and techniques for monitoring the quality
11 and effectiveness of the services offered by approved
12 providers under this subsection, and for withdrawing
13 approval from providers that fail, for 2 consecutive
14 years, to contribute to increasing the academic pro-
15 ficiency of students served under this subsection as de-
16 scribed in subparagraph (B); and

17 “(E) provide annual notice to potential providers
18 of supplemental educational services of the opportunity
19 to provide services under this subsection and of the ap-
20 plicable procedures for obtaining approval from the
21 State educational agency to be an approved provider of
22 those services.

23 “(5) CRITERIA FOR PROVIDERS.—In order for a pro-
24 vider to be included on the State list under paragraph
25 (4)(C), a provider shall agree to carry out the following:

26 “(A) Provide parents of children receiving supple-
27 mental educational services under this subsection and
28 the appropriate local educational agency with informa-
29 tion on the progress of the children in increasing
30 achievement, in a format and, to the extent practicable,
31 a language that such parents can understand.

32 “(B) Ensure that instruction provided and content
33 used by the provider are consistent with the instruction
34 provided and content used by the local educational
35 agency and State, and are aligned with State student
36 academic achievement standards.

2 “(C) Meet all applicable Federal, State, and local
health, safety, and civil rights laws.

4 “(D) Ensure that all instruction and content
5 under this subsection are secular, neutral, and nonideo-
logical.

6 “(6) AMOUNTS FOR SUPPLEMENTAL EDUCATIONAL
7 SERVICES.—The amount that a local educational agency
8 shall make available for supplemental educational services
9 for each child receiving those services under this subsection
10 shall be the lesser of—

11 “(A) the amount of the agency’s allocation under
12 subpart 2, divided by the number of children from fam-
13 ilies below the poverty level counted under section
14 1124(c)(1)(A); or

15 “(B) the actual costs of the supplemental edu-
16 cational services received by the child.

17 “(7) FUNDS PROVIDED BY STATE EDUCATIONAL
18 AGENCY.—Each State educational agency may use funds
19 that the agency reserves under this part, and part A of title
20 V, to assist local educational agencies that do not have suf-
21 ficient funds to provide services under this subsection for
22 all eligible students requesting such services.

23 “(8) DURATION.—The local educational agency shall
24 continue to provide supplemental educational services to a
25 child receiving such services under this subsection until the
26 end of the school year in which such services were first re-
27 ceived.

29 “(9) PROHIBITION.—Nothing contained in this sub-
30 section shall permit the making of any payment for reli-
gious worship or instruction.

31 “(10) WAIVER.—

32 “(A) REQUIREMENT.—At the request of a local
33 educational agency, a State educational agency may
34 waive, in whole or in part, the requirement of this sub-
35 section to provide supplemental educational services if
36 the State educational agency determines that—

1 “(i) none of the providers of those services on
2 the list approved by the State educational agency
3 under paragraph (4)(C) makes those services avail-
4 able in the area served by the local educational
5 agency or within a reasonable distance of that area;
6 and

 “(ii) the local educational agency provides evi-
 dence that it is not able to provide those services.

9 “(B) NOTIFICATION.—The State educational
10 agency shall notify the local educational agency, within
11 30 days of receiving the local educational agency’s re-
12 quest for a waiver under subparagraph (A), whether
13 the request is approved or disapproved and, if dis-
14 approved, the reasons for the disapproval, in writing.

 “(11) SPECIAL RULE.—If State law prohibits a State
16 educational agency from carrying out one or more of its re-
17 sponsibilities under paragraph (4) with respect to those
18 who provide, or seek approval to provide, supplemental edu-
19 cational services, each local educational agency in the State
20 shall carry out those responsibilities with respect to its stu-
21 dents who are eligible for those services.

22 “(12) DEFINITIONS.—In this subsection-

 “(A) the term ‘eligible child’ means a child from
24 a low-income family, as determined by the local edu-
25 cational agency for purposes of allocating funds to
26 schools under section 1113(c)(1);

 “(B) the term ‘provider’ means a non-profit entity,
 a for-profit entity, or a local educational agency that—

29 “(i) has a demonstrated record of effectiveness
30 in increasing student academic achievement;

31 “(ii) is capable of providing supplemental edu-
32 cational services that are consistent with the in-
33 structional program of the local educational agency
34 and the academic standards described under sec-
35 tion 1111; and

36 “(iii) is financially sound; and

2 “(C) the term ‘supplemental educational services’
means tutoring and other supplemental academic enrichment services that are—

4 “(i) in addition to instruction provided during
5 the school day; and

6 “(ii) are of high quality, research-based, and
7 specifically designed to increase the academic
9 achievement of eligible children on the academic assessments required under section 1111 and attain
10 proficiency in meeting the State’s academic
11 achievement standards.

 “(f) SCHOOLS AND LEAS PREVIOUSLY IDENTIFIED FOR
IMPROVEMENT OR CORRECTIVE ACTION.—

14 “(1) SCHOOLS.—

 “(A) SCHOOL IMPROVEMENT.—

16 “(i) SCHOOLS IN SCHOOL-IMPROVEMENT STA-
17 TUS BEFORE DATE OF ENACTMENT.—Any school
19 that was in the first year of school improvement
20 status under this section on the day preceding the
21 date of enactment of the No Child Left Behind Act
22 of 2001 (as this section was in effect on such day)
23 shall be treated by the local educational agency as
24 a school that is in the first year of school improvement status under paragraph (1).

25 “(ii) SCHOOLS IN SCHOOL-IMPROVEMENT STA-
26 TUS FOR 2 OR MORE YEARS BEFORE DATE OF EN-
27 ACTMENT.—Any school that was in school improvement status under this section for 2 or more consecutive school years preceding the date of enactment of the No Child Left Behind Act of 2001 (as
29 this section was in effect on such day) shall be
30 treated by the local educational agency as a school
31 described in subsection (b)(5).
32

34 “(B) CORRECTIVE ACTION.—Any school that was
35 in corrective action status under this section on the day
36 preceding the date of enactment of the No Child Left

Criteria for Title I Supplemental Service Providers

The following criteria will be used to approve Supplemental Educational Service Providers for inclusion on the state list:

- Is a non-profit entity, a for profit entity, intermediate school district or a local educational agency (local school district/PSA).
- Uses an instructional approach with a demonstrated record of effectiveness in increasing student academic achievement.
- Provides supplemental educational services that are consistent with State academic standards. (The Michigan Model Content Standards are available on the MDE web site: www.michigan.gov/mde.)
Provides instruction that is of high quality, research-based, and specifically designed to help students attain proficiency in meeting the State's academic achievement standards and to increase academic achievement of eligible children on the State academic assessments.
- Provides content and instruction that are consistent with the instruction provided and content used by the local school district/PSA and is aligned with State student academic achievement standards.
Provides instruction that is supplemental to the instruction that is provided during the school day.
- Provides instruction only by individuals who meet the federal requirements for staff working in a Title I program.
Provides instruction and content that is secular, neutral and non-ideological.
Meets all applicable Federal, State, and local health, safety, and civil rights laws.
Provides parents of children receiving supplemental educational services and the local school district/PSA with information on the progress of the children in increasing achievement in a format and, to the extent practicable, in a language that parents can understand.
- Is financially sound.
- Uses the state requirements for criminal history check.